

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.) No. 1:17CR00050 JAR
)
DANIEL RAY WITHERS,)
)
Defendant.)

OBJECTION TO PRESENTENCE REPORT

Daniel Withers objects to the following information contained in his Presentence Report:

1. As to paragraph 13: Mr. Withers specifically objects to the veracity of the facts contained in the first two sentences of this paragraph. Those sentences are as follows:

On January 20, 2017, ATF agents received information from a confidential source (CS) that Daniel Withers was selling methamphetamine in Cape Girardeau, Missouri, and was known to carry a firearm. Withers had previously distributed methamphetamine to the CS, and the CS was able to provide ATF agents with a telephone number to contact Withers.

Mr. Withers admits that the police reports used to prepare his Presentence Report contain the aforementioned factual information. However, he does not admit

- He was selling methamphetamine in Cape Girardeau prior to his offense conduct;
- He previously distributed methamphetamine to the Confidential Source; and
- He does not admit that he carried a firearm at any time.

Mr. Withers' objection does not impact his guideline calculation. He agrees that the guideline calculation of 30 months to 37 months is accurate.

Respectfully submitted,

/s/Jennifer L. Booth
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ATTORNEY FOR DEFENDANT

CERTIFICATE OF SERVICE

I hereby certify that on November 27, 2017, the foregoing was filed electronically with the Clerk of the Court to be served by operation of the Court's electronic filing system upon Tim Willis, Special Assistant United States Attorney.

/s/Jennifer L. Booth
Jennifer L. Booth